

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**MELISA VELEZ,**

**Plaintiff,**

**v.**

**Case No.: 8:23-cv-706-AAS**

**KILOLO KIJAKAZI, Acting  
Commissioner of Social Security  
Administration,**

**Defendant.**

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**ORDER**

Melisa Velez moves for attorney's fees and costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. Section 2412. (Doc. 15). The Commissioner does not oppose the motion. (*Id.* at 1).

Ms. Velez requests \$939.80 in attorney's fees, plus the filing cost of \$402.00. (*Id.*). The EAJA permits awards for reasonable attorney's fees and costs to a prevailing party against the United States. 28 U.S.C. § 2412. A June 13, 2023 order remanded the Commissioner's final decision under sentence four of 42 U.S.C. Section 405(g) for further administrative proceedings. (Doc. 13). The Clerk entered judgment in favor of Ms. Velez. (Doc. 14).

The Commissioner does not contest the following: Ms. Velez is the prevailing party; the Commissioner's position was not substantially justified; and Ms. Velez's attorney's fees request are reasonable. (Doc. 15, pp. 2–4). A

court should grant a Social Security claimant's request for attorney's fees when it is unopposed. *See Jones v. Colvin*, No. 8:13-CV-2900-T-33AEP, 2015 WL 7721334 (M.D. Fla. Nov. 30, 2015) (awarding unopposed attorney's fees request). Thus, Ms. Velez is entitled to \$939.80 in attorney's fees, plus the filing cost of \$402.00.

Attorney's fees awarded to a claimant under the EAJA can be offset to satisfy the claimant's pre-existing debt to the United States. *Astrue v. Ratliff*, 560 U.S. 586, 589 (2010). Following an order, the United States Department of the Treasury will determine whether Ms. Velez owes a debt to the United States. Ms. Velez assigned her rights to EAJA fees to her attorney. (Doc. 15, Ex. 1). So, if Ms. Velez has no federal debt, the United States will accept her assignment of EAJA fees and pay the fees directly to counsel.

Accordingly, it is **ORDERED** that Ms. Velez's motion for attorney's fees under the EAJA (Doc. 15) be **GRANTED**. Ms. Velez is awarded **\$939.80** in attorney's fees, plus the filing cost of **\$402.00**.

**ORDERED** in Tampa, Florida on June 27, 2023.



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AMANDA ARNOLD SANSONE  
United States Magistrate Judge